

~~COURTESY COPY~~

UNITED STATES DISTRICT COURT SDC SDNY
SOUTHERN DISTRICT OF NEW YORK
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 5/19/08

HAIN CAPITAL HOLDINGS, LTD.,

Plaintiff,

- against -

FIBERLIGHT, LLC, and KEVIN B.
COYNE,

Defendants.

Case No. 08 CV 3156 (BSJ)

Civil Action

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and accompanying Declaration of Steven L. Klepper, Esq., Defendants, through their undersigned counsel, will move this Court at the United States Courthouse at 500 Pearl Street, New York, New York, on a date and time to be set by this Court, for an Order pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9 dismissing Plaintiff's Complaint against Defendant, Kevin B. Coyne, and dismissing Count Two of Plaintiff's Complaint against Defendant, FiberLight, LLC.

May 1, 2008

Respectfully submitted,



Steven L. Klepper (SK 1012)
Cole, Schotz, Meisel, Forman & Leonard, P.A.
A Professional Corporation
900 Third Avenue
16th Floor
New York, NY 10022-4728
212.752.8000
212.752.8393 (fax)
Attorneys for Defendants, FiberLight, LLC, and
Kevin B. Coyne

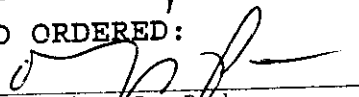
MEMO ENDORSED

5/19/08
In light of Plaintiff's amended
complaint, its motion is DENIED
without prejudice to its response
(by motion or answer) to the
amended complaint. Plaintiff's original
motion at 10/1/07 is withdrawn (see history).

{W1261330.1}

SO ORDERED:

Hon. Andrew Jay Peck
United States Magistrate Judge


any RA 4/27/08: Full Counsel
Judge Jones

BY FAX

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: May 19, 2008

Total Number of Pages: 2

TO	FAX NUMBER
Lawrence C. Hersh, Esq.	201-507-6311
Steven L. Klepper, Esq.	201-489-1536
Paige Leigh Ellerman, Esq.	513-381-0205

TRANSCRIPTION:

MEMO ENDORSED 5/19/08

In light of plaintiff's amended complaint, the motion is **DENIED** without prejudice to defendants' response (by motion or answer) to the amended complaint. All parties consented to this at today's conference (see transcript).

Copy to: Judge Barbara S. Jones